

Notice of Allowability

Application No.

09/817,100

Examiner

Matthew S. Gart

Applicant(s)

DUTTA ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment Filed 2/15/2005 and Examiner's Amendment Filed 7/14/2006.
2. ☒ The allowed claim(s) is/are 1-5, 7-15, 17-²⁵ 11C. 1/31/6
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 6/25/2001
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date July 14, 2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Matthew S. Gart
Primary Examiner

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Wilder (Ph. 512-246-8555) on July 14th, 2006.

The application has been amended as follows:

In the Title

The title has been changed to read as follows:

--Third party merchandise return method, storage medium and implementing system--

In the Specification

The specification has been changed to read as follows:

- Page 4, line 18, “101” has been deleted.
- Page 4, line 29, “website” has been replaced with --web server-- after “merchant”.
- Page 5, line 9, “101” has been deleted.
- Page 5, line 25, “101” has been deleted.
- Page 5, line 26, “website” has been replaced with --web server 101-- after “merchant”.
- Page 6, line 6, “101” has been deleted.
- Page 6, line 17, “101” has been deleted.
- Page 6, line 27, “101” has been deleted.
- Page 6, line 28, “101” has been deleted.
- Page 7, line 8, “101” has been deleted.
- Page 7, line 24, “server website” has been replaced with --web server-- after “merchant”.

In the Claims

Claims 1, 11 and 21 has been amended as follow:

1. (Currently Amended) A method for processing a return of an item purchased from a selling merchant by a remote customer, said method comprising:

- receiving an order for said item from said customer, said order including customer-related information;
- storing said customer-related information in a storage device;
- sending said item to said customer by said selling merchant;
- receiving a return communication from said customer requesting a return of said item to said selling merchant;
- retrieving said customer-related information from said storage device;
- effecting an auction of said item by said selling merchant following said receiving of said return communication from said customer; and
- sending a shipping communication including portions of said customer-related information to said customer, said shipping communication identifying a receiving entity to whom said item is to be returned, said receiving ~~party~~ entity being a winner of said auction.

11. (Currently Amended) A storage medium including machine readable coded indicia, said storage medium being selectively coupled through a reading device to processing circuitry within a computing system, said reading device being selectively

Art Unit: 3625

operable to read said machine readable coded indicia and provide program signals representative thereof, said program signals being effective to process a return of an item purchased by a customer, said program signals being selectively operable to accomplish the steps of:

- receiving an order for said item from said customer, said order including customer-related information;
- storing said customer-related information in a storage device;
- effecting a sending of said item to said customer by said selling merchant;
- receiving a return communication from said customer requesting a return of said item to said selling merchant;
- retrieving said customer-related information from said storage device;
- effecting an auction of said item by said selling merchant following said receiving of said return communication from said customer; and
- sending a shipping communication including portions of said customer-related information to said customer, said shipping communication identifying a receiving entity to whom said item is to be returned, said receiving party entity being a winner of said auction.

21. (Currently Amended) A processing system including a system bus, a processor, a memory system, and a network interface, all coupled to said system bus, said processing system being operable in response to an item return program being executed from said memory system for effecting a return of an item purchased from a

Art Unit: 3625

selling merchant by a customer at a remote location through said network interface, said processing system being selectively operable to receive an order for said item from said customer over said network interface, said order including customer-related information, storing said customer-related information in said memory system, and effecting a sending of said item to said customer by said selling merchant, said processing system being further operable for receiving a return communication from said customer requesting a return of said item to said selling merchant, retrieving said customer-related information from said memory system, effecting an auction of said item by said selling merchant following said receiving of said return communication from said customer, and sending a shipping communication including portions of said customer-related information to said customer, said shipping communication identifying a receiving entity to whom said item is to be returned, said receiving ~~party~~ entity being a winner of said auction.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1, 11 and 21

The prior art of record neither anticipates nor fairly and reasonably teaches a method for or system of processing a return of an item purchased from a selling merchant by a remote customer, *inter alia*, which comprises:

effecting an auction of said item by said selling merchant following receiving a return communication from said customer; and

sending a shipped communication including portions of said customer-related information to said customer, said shipping communication identifying a receiving entity to whom said item is to be returned, said receiving entity being a winner of said auction.

The most notable prior art of record is to Siegel (U.S. Patent Application Publication No. 2001/0032147). Siegel teaches a method and system for local return of remotely purchased products through online auction web sites. Siegel does not teach sending a shipped communication including portions of said customer-related information to said customer, said shipping communication identifying a receiving entity to whom said item is to be returned, said receiving entity being a winner of said auction. Siegel teaches that items to be returned are sent to a "local returns agent" (Siegel: paragraph 0009), and then the local returns agent may liquidate the item via an online auction. Using Siegel, an item is initially shipped from a seller to a customer, and then

Art Unit: 3625

from a customer to a "local returns agent" and from there it is sent to a third party for ultimate disposition. Moreover, none of the prior art of record remedies the deficiencies found in Siegel.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

EXAMINER COMMENTS

In response to the Applicant's Letter filed 3/7/2005, a review of the prosecution history reveals that the non-final office action mailed on 11/15/2004 had been erroneously recorded in the PALM database as a final office action. The finality of that Office Action is withdrawn, and the amendment filed by the Applicant on 2/15/2005 has been entered and considered as a matter of right. Consequently an Advisory Action mailed on 2/28/2005 was improper and is also withdrawn.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 6/25/2001 has been considered by the Examiner.

Drawings

The drawings were received on 3/26/2001. The Examiner accepts these drawings.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"An Online Answer for Returned Goods?" Groover, Joel, Shopping Center World, Volume: 29, Number: 4, Page 26, April 2000, discloses the use of a new liquidation channel.

Document-Identifier: EP 1209598 A2, May 29, 2002, discloses a method for returning merchandise.

Fellenstein et al., U.S. Patent No. 7,062,536 B2, June 13, 2006, discloses grouping electronic reply messages.

Gusler et al., U.S. Patent No. 6,717,592 B2, April 6, 2004, discloses a notification processing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

Art Unit: 3625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG
Primary Examiner
July 14, 2006